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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/799,400	02/12/1997	DAIJIRO SASAKI	KAMMON-3.0-0	3700

530 7590 04/16/2002

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

EXAMINER

LEV, BRUCE ALLEN

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 04/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>08/799,400</b>	Applicant(s) <b>Sasaki et al</b>
Examiner <b>Bruce A. Lev</b>	Art Unit <b>3634</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Mar 8, 2002

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-3, 5-21, 23-30, and 32-35 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3, 5, 27-29, and 32-35 is/are rejected.

7)  Claim(s) 6-21, 23-26, and 30 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

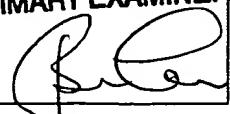
17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

19)  Notice of Informal Patent Application (PTO-152)

20)  Other: \_\_\_\_\_

BRUCE A. LEV  
PRIMARY EXAMINER



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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *end plates being formed of rubber plastic material*, as set forth in claims 1, 34, and 35, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Claim Objections***

2. Claims 6-21, 23-26, and 30 are objected to because of the following informalities: These claims (respectively) depend from canceled claims 4 and 22. Therefore these claims *cannot be further treated on the merits*.

### ***Claim Rejections - 35 USC § 112***

3. Claims 1-3, 5, 27-29, and 32-35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claims 1, 32, 34, and 35, there is an inconsistency between the language in the preamble and certain portions in the body of the claims, thereby making the scope of the claims unclear. For example, the preamble clearly indicates that the subcombination of a

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“closure” is being claimed with the functional recitation of the “closure” being used “for cable connection”. However, the body of the claim positively recites the “*cable connection*”, e.g., “*surrounds a cable connection section*” (claim 1, line 5), “*cable guide hole through which a cable...is inserted*” (claim 1, lines 9-10), which indicates the claims as being drawn to a combination of the “closure” and the “cable connection”. Therefore, the applicant is required to clarify what the claims are intended to be drawn to, i.e., either the “closure” alone or in combination with the “cable connection”, and to present the claims with the language which is consistent with the invention. The applicant should note that “*adapted to be*” language may be appropriate if claiming the “closure” alone (i.e., “adapted to be secured to”).

#### ***Claim Rejections - 35 USC § 103***

Claims 1-3, 5, 27-29, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent of Sasaki et al 8,242,526 in view of Nimiya et al 4,933,512.

As concerns claims 1-3, 5, and 27-29 Sasaki et al set forth the invention including a closure comprising a pair of semicylindrical sleeve members 1 vertically separable surrounding a cable connection section, wherein each has an abutting joint surface on the sides through which the sleeve members are joined; end plates 3 on opposite ends of the sleeve, each formed of rubber plastic and having a cable guide hole 20 with a sealing member including a plurality of peak and valley shaped grooves (best illustrated in Figure 6) integrally formed on the outer periphery surface of the end plates and extending circumferentially; hinges and fasteners, inclusive of

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members 27,28,30,34, releasably hooked between and connecting the sleeve members; end plates formed with slits, inclusive of 22,25, extending from the guide holes to an outer periphery of the end plate; and guide hole caps 21 with rigidity holding members viewed as the surfaces between the cap and the holes. **What Sasaki et al does not show** is a tape gasket including an adhesive between the end plates and the sleeves. However, **Nimiya et al shows** a tape gasket 60 including an adhesive, discussed in column 7 lines 15-20 and illustrated in figures 6a, 6b, and 7, between the end plates 40 and the sleeves 20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the closure of Sasaki et al by incorporating an tape gasket including an adhesive between the end plates and the sleeves, as taught by Nimiya et al, in order to increase the sealing capabilities between the plates and the sleeves, and to provide a secondary sealing means between the plates and the sleeves in case the inherent sealing capabilities of the plate fail.

As concerns claims 32-34, Sasaki et al set forth the invention, as advanced above, including a clamp including a clamp body with a recess and a curved holding member fastened to the body by a mounting member; and the cable guide recesses and the curved holding member provided with holding spacers

As concerns claim 35, Sasaki et al set forth the invention, as advanced above, including the hinges including ring receiving portions and holding recesses.

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*Response to Amendment*

3. Applicant's remarks filed March 8, 2002 have been fully considered but they are not deemed to be persuasive.

As concerns remarks pertaining to the combination of Sasaki et al in view of Nimiya et al, the examiner reiterates once again the position that Nimiya et al teach the use of a gasket between end plates and sleeves of a cable closure. Therefore, it would have been obvious to modify the closure of Sasaki et al by incorporating a gasket between the end plates and the sleeves in order to increase the sealing capabilities between the plates and the sleeves, and to provide a secondary sealing means between the plates and the sleeves in case the inherent sealing capabilities of the plate fail. Whether or not the gasket is used entirely around the perimeter or merely within predetermined portions, Nimiya et al do teach using a gasket to increase the sealing capabilities between the plates and the sleeves, and, therefore, can be used to teach a modification to the configuration of Sasaki et al, which would result in the configuration as claimed in the instant application as set forth above.

*Request for Continued Examination*

4. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, THIS ACTION IS MADE FINAL even though it is a first action after

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the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

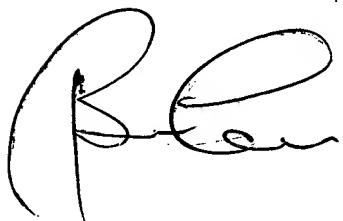
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

April 10, 2002

A handwritten signature in black ink, appearing to read "B. Lev".

*Bruce A. Lev*

*Primary Examiner*

*Group 3600*